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**OFFICE OF PETITIONS**

In re Application of :  
Okumura et al. :  
Application No. 10/828,331 : DECISION GRANTING PETITION  
Filed: April 21, 2004 :  
Attorney Docket No. 038959.02 :

This is a decision on the petition, filed August 31, 2004, requesting that the above-identified application be accorded a filing date of April 21, 2004, with Figure 10 described in the specification as part of the original disclosure.

On April 21, 2004, applicants filed the above-identified application. On August 11, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of April 21, 2004, and advising applicants that Figure 10 appeared to have been omitted.

In response, on August 31, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of "73 shts fml drawings (Figs. 1-81)" on April 21, 2004. Additionally, applicants submitted one sheet of drawings, containing Figure 10 with the present petition.

Upon review of the record, Figure 10, deposited on April 21, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 21, 2004, included Figure 10, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 10, was complete on filing and will be granted a filing date of April 21, 2004.

Accordingly, the petition is granted and the application will be accorded a filing date of April 21, 2004, with Figure 10 as part of the original disclosure.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. No petition fee is necessary. Therefore, the \$130.00 petition fee will be refunded to Deposit Account No. 15-0461.

The Office of Initial Patent Examination is directed **to accord the application a filing date of April 21, 2004**, using Figures 1-9 and 11-81 submitted on that date, and Figure 10 submitted on August 31, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

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